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In re Application of: Kenji Yamagami
Application No. 10/759,581
Filed: January 16, 2004
For: METHOD AND APPARATUS FOR
LIMITING ACCESS TO A STORAGE SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL
(ACCELERATED EXAMINATION)
UNDER M.P.E.P. §708.02 (VIII)

This is a decision on the Request for Reconsideration filed August 25, 2006 on the petition to make special under 37 C.F.R. §102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, originally filed on August 1, 2005, and dismissed on July 19, 2006.

The Petition is **DENIED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

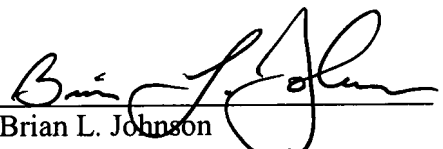
- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;
- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The renewed petition filed August 25, 2006 fails to adequately meet requirement (e) of the criteria set forth above. As stated in the previous decision of July 19, 2006, Petitioner must provide a detailed discussion of the references, which discussion **must clearly point out** the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited. In the discussion of the references, Petitioner is required to point out (substantively detail) the prior art elements and associations germane to the claim(s) to fully flesh-out the comparison between the referenced prior art and Applicant's claimed features. The petition must specifically show, **for each independent-claim**, specific language that distinguishes over each given reference in order to specify "how the claimed subject matter is patentable over the references" that are "deemed to be most closely related to the subject matter encompassed by the claims."

The instant application currently contains four independent claims, i.e. 1, 13, 22 & 32 and provides an accurate detailed discussion with respect to claim 1. However, the instant petition fails to accurately identify and address patentable novelty of independent claims 13, 22 and 32. For instance, contrary to Petitioner's remarks (beginning on pages 3 & 4 of the instant petition), the recitation of "**receiving a connection request from a sending device**", and "**obtaining manufacture-related information associated with the sending device**", and "**responding to the request in a positive manner or in a negative manner based on comparing the sender's ...**", "... in independent claim 13, 22 and 32", do not appear in pending independent claims 13, 22 & 32 as indicated.

Therefore, the detailed discussion in the instant petition is not applicable to instant claims 13, 22 and 32.

Accordingly, the Petition to Make Special **DENIED** since all of the requirements for special status under MPEP § 708.02(VIII) have NOT been met. The application is being returned to the Examiner's docket to await examination in its proper turn based on its effective filing date.


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